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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,340	08/31/2001	Agathagelos Kyrilidis	96072CIP2	1425

7590 06/14/2006

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EXAMINER

PHASGE, ARUN S

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,340

Applicant(s)

KYRLIDIS ET AL.

Examiner

Arun S. Phasge

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 11-76, 78 and 79 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5, 16-76, 78-79 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

This application contains claims 11-15 drawn to an invention nonelected with traverse in Paper filed 9/20/04. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 5, 16, 19, 21, 28, 31, 33, 39, 42, 44, 51 and 53 stand rejected under 35 U.S.C. 102(b) as being anticipated by Stalling of record for reasons of record.

Claim Rejections - 35 USC § 103

Claims 17, 29 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stalling as applied to claims above, and further in view of EPA 300,448 (Kusano) of record for reasons of record.

Claims 18, 20, 22-27, 30, 32, 34,-38, 41, 43, 45-50, 52, 54-76 and 78-79 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stalling as

applied to claims above, and further in view of Boes of record for reasons of record.

Response to Arguments

Applicant's arguments filed 12/19/05 have been fully considered but they are not persuasive.

It appears that applicants are arguing that none of the groups disclosed by the Stalling patent, for example 10b, have the aromatic portion of the defined group be attached to the carbonaceous material. Further stating that Stalling contains no teaching or suggestion of a carbonaceous material with an attached phenyl or naphthyl group.

The instant claims do not require direct attachment of a benzene or phenyl to the carbonaceous material. Additionally, the figure 10B does disclose an aromatic group, since the specification defines Ar as an aromatic radical such as an aryl or heteroaryl group. Thus the present claims are clearly encompassed and anticipated by the Stalling patent.

Applicants argue that the formation of the core-shell particle by glycol derivatives, to which a fullerene may be attached, is not the same as the

carbonaceous material that has an attached polyethylene glycol ... or derivatized resins thereof.

The core-shell particle attached to the fullerene would read on the carbonaceous material that has an attached polyethylene glycol derivative claimed.

With respect to the combination of Stalling with the Kusano or Boes patents, applicants argue that it would not be obvious to combine the Stalling patent with the secondary references because such modification would be contrary to the Stalling teaching of a lattice structure.

The Stalling patent teaches that different attachments of the organic compounds to the fullerenes affects the chromatographic separation of the obtained separation medium and are not there merely for the formation of a lattice structure (see col. 4, line 50 to col. 5, line 28). The secondary references are cited to show the use of other organic compounds attached to carbonaceous material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the Stalling patent with the teachings contained in the Kusano or Boes patents, because the secondary reference teach other organic groups attached to carbonaceous material.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

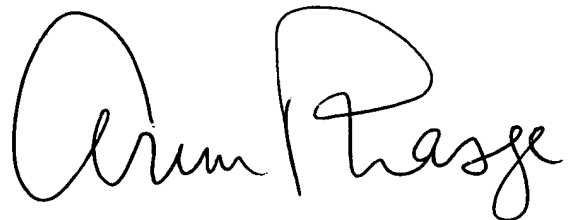
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on **MONDAY-THURSDAY, 7:30-6:00.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Arun Phasge". The signature is fluid and cursive, with the first name "Arun" and the last name "Phasge" clearly distinguishable.

Arun S. Phasge
Primary Examiner
Art Unit 1753

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